vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2535 OF 2007

Dabhol Power Employees Association ... Petitioner

V/s.

Ratnagiri Gas & Power Pvt. Ltd. & Anr. ... Respondents

Mr.A.V. Bukhari with G.M. Thomas for Petitioner
Mr.S.K. Talsania for Respondent No.1
Ms.Chitra Rao for Respondent No.2

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 17, 2007**

P.C.:

. The petitioners have challenged the order passed by the Industrial Court in complaint (ULP) No.206 of 2006 on the two interim applications filed by the Petitioners and one filed by Respondent No.1. Application U2 filed by the Petitioner was an application for interim relief that its members should be permitted to continue in service and that work should be allotted to them and not to fresh hands employed through fresh contractors. In the application U15 which was also heard, the petitioners claimed all wages which have not been paid to them. By the application C3, Respondent No.1 raised a preliminary objection regarding the maintainability of the complaint.

2. The Industrial Court in my view, has rightly dismissed the applications filed by both the parties.

The Industrial Court has observed that when the employer-employee relationship of the members of the Petitioner with the respondents is in doubt, no interim relief can be granted in favour of the petitioner. It has also been held that prima facie the petitioner failed to establish that there was an unfair labour practice on the part of Respondent NO.1. As regards the payment of wages, the Industrial Court has held that no interim relief should be granted as no irreparable loss would be caused to the petitioner.

3. In my view there is no infirmity in the impugned order which requires interference by this Court under Article 227 of the Constitution. The earned wages of the workmen can be claimed by them in appropriate proceedings, if they are entitled to those wages.

4. Petition is rejected.